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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,733	12/17/2001	Alan Bradley Jones	01P104	2397
466	7590	09/22/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			NASH, LASHANYA RENEE	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/914,733	JONES ET AL.	
	Examiner	Art Unit	
	LaShanya R Nash	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to an Amendment filed July 6, 2005. Claims 1, 5, and 7-14 are presented for further consideration.

Response to Arguments

Claim rejections, see Remarks, with respect to claims 3,4, and 6 under 35 USC 101 are withdrawn as claims 3-4, and 6 have been cancelled.

Claim rejections, see Remarks, with respect to claim 3 and 6 under 35 USC 102(e), are withdrawn as claims 2-4, and 6 have been cancelled.

Claim rejections, see Remarks, with respect to claims 2 and 4 under 35 USC 103(a), are withdrawn as claims 2-4, and 6 have been cancelled.

Applicant's arguments with respect to claims 1,5, and 7-13 have been fully considered but are not persuasive.

In considering the Applicant's arguments the following factual remarks are noted:

(I) Applicant contends that ratings, as disclosed by Lang, are based on user inputs and not based on automatic predictions.

In considering (I), Applicant contends that ratings, as disclosed by Lang, are based on user inputs and not based on automatic predictions. Examiner

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respectfully disagrees. Lang explicitly discloses the information entity rating apparatus (Figure 1) comprises a prediction means (Figure 1-item 33) in order to employ automatic predictions (i.e. predicted response/future predictions) to update the collaborative input data of an proposed informon, and subsequently determine the computed rating function, (column 7, line 39 to column 8, line 55; columns 10-14; Figure 4&6). The aforementioned rating function indicates a function-based value of the information entity to the user, thereby classifying the information on the basis of content. Therefore, the information entity rating apparatus as disclosed by Lang, bases calculated ratings on automatic rating predictions as provided by the prediction means, further supporting that Lang is functionally equivalent to Applicant's claimed invention. As a result, Examiner maintains rejections of claims, as set forth below in the office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lang et al (US Patent 5,983,214 and 5,867,799 [incorporated by reference]), hereinafter referred to as Lang.

In reference to claim 1, Lang discloses an apparatus for classifying (i.e. rating) network information, in order to efficiently provide relevant information to a user, (abstract; column 2, lines 36-53; Figure 1). Lang explicitly discloses:

- An apparatus for classifying (i.e. rating) information transmitted over a communication network (abstract; column 2, lines 36-53; Figure 1), the apparatus comprises:
- A means for (Figure 1-item 17) obtaining one or more transmission interaction characteristics (i.e. informon characterization; columns 10-11; Figure 3) in a session of transmission of information between communications terminals on a path of the communications network; and
- Analyzing means for (Figure 1-items 21,33) predicting a classification (column 7, line 39 to column 8, line 55; columns 10-14; Figure 4&6) of the information based on the one or more transmission interaction characteristics, (column 6, line 31 to column 8, line 27 and Figure 1).

In reference to claim 5, Lang discloses an apparatus for classifying user profiles, in order to efficiently provide relevant information to users via a network (abstract; column 2, lines 36-53; Figure 1). Lang explicitly discloses:

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- An apparatus for classifying user profiles of users accessing information or content servers on a communication network, abstract; column 2, lines 36-53; Figure 1), the apparatus comprising:
- Means for (Figure 1-item 17) obtaining one or more transmission interaction characteristics (i.e. information characterization; columns 10-11; Figure 3) in a session of transmission between user communication terminals or information provided by any one of the content servers to a user communications terminal on a path of the communication network; and
- Analyzing means (Figure 1-items 21,33) for predicting a classification (column 7, line 39 to column 8, line 55; columns 10-14; Figure 4&6) of the information or the content server based on the one or more transmission interaction characteristics; and Means for (Figure 1-item 28) classifying user profile in accordance with the predicted classification, (column 6, line 31 to column 8, line 27; Figure 1).

In reference to claim 7, Lang shows the apparatus further comprising means for (Figure 1-item 31) storing the one or more transmission interaction characteristics, (column 8, lines 22-28).

In reference to claim 8, Lang shows the wherein the one or more of: a network protocol; date and time stamp; a size of transmission activities (text

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and image); a content type of transmission activities; and a pattern seen within the content of the transmission, (column 3, line 10 to column 4, line 53).

In reference to claim 9, Lang shows the apparatus wherein the one or more transmission characteristics are obtained from network packets or fragments thereof, (column 3, lines 10-42).

In reference to claim 10, Lang shows the apparatus wherein the analyzing means includes profiling means for (Figure 1-item 28) providing profiles of interactions based on the one or more transmission interaction characteristics, (column 6, line 50 to column 7, line 27).

In reference to claim 11, Lang shows the apparatus wherein the profiling means is arranged to process the one or more transmission interaction characteristics for providing any one or more of: a frequency of interaction; a duration of interaction; a duration of absence of interaction; patterns of transmission; an average number of http links within an object of related sites; an average number of link sites visited within a time frame; and statistics from the other characteristics for forming interaction profiles; and analyzing means is adapted to use the profiles for predicting classifications, (columns 6-12).

In reference to claim 12, Lang shows the apparatus further comprising a knowledge base of predetermined profiles (i.e. community profiles)

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, and analyzing means is adapted to predict a classification based on a comparison between the profile of information to be classified and predetermined profiles, (column 3, lines 43-65; column 6, line 51 to column 7, line 17; column 2, lines 18-36).

In reference to claim 13, Lang shows the apparatus further comprising means for (Figure 1-item 30) updating the knowledge base so that the classification prediction can be enhanced following classifications, (column 7, lines 39-64; column 8, lines 11-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang as applied to claim 1above, and further in view of Baker et al. (US Patent 5,678,041), hereinafter referred to as Baker.

In reference to claim 14, Lang shows the apparatus wherein the communication terminals including at least one content server and at least one

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user communication terminal (Figure 1-item s 5,7,9), and the information is transmitted from the content server (Figure 1-item 11,13) to the user communication terminal, and classifying (i.e. rating) according to the classification predicted by the analyzing means (column 7, line 39 to column 8, line 55; columns 10-14). However, the reference fails to show classifying content servers. Nonetheless, it would have been obvious to accordingly modify the apparatus, as disclosed by Lang, for one of ordinary skill in the art at the time of invention as further evidenced by Baker.

In an analogous art Baker discloses classifying (i.e. rating) content servers (i.e. uniform resource locators) in order to regulate network information that is subsequently accessed by users (column 3, lines 6-33; column 5, lines 65 to column 6, line 23; Figure 1-item 116; Figure 2-item 202). Given this feature a person of ordinary skill in the art would have readily recognized the advantages of modifying the aforementioned apparatus as disclosed by Lang, in order to selectively control network (i.e. Internet) access without impairing the users ability to communicate with servers via the network, (column 2, lines 63 to column 3, line 5).

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of


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this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LaShanya Nash 
Art Unit 2153
September 19, 2005


GLENTON B. BURGESS
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